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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 899,467	07 05 2001	Michael T. Romanyszyn	L-0170.57	3416

7590

02 12 2003

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EXAMINER

REIFSNYDER, DAVID A

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 02 12 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899.467

Applicant(s)

ROMANYSZYN, MICHAEL T.

Examiner

David A Reifsnnyder

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133)
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election of claims 1-12 and 38-41 (Invention I, Species 1) in Paper No. 3 is acknowledged. Furthermore, applicant's cancellation of non-elected claims 13-37 and 42-48 in Paper No. 3 is also acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 and 38-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Hlvaneka who discloses a vortex nozzle educator 40 comprising a nozzle body 44 and a vortex generator 42 inserted partway into the nozzle body 44, the vortex generator 42 including a rim 68 for engaging and capping a cylindrical wall 86 of the nozzle body 44; the nozzle body 44 and vortex generator 42 including a passageway 108 in fluid communication with a tapered passageway 94, and a plurality of tangential ports (66) that inlet a flow tangentially through the passageway 108 and tapered passage way 94.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ashbrook '521 and Stephanoff, deceased et al. who both disclose methods and apparatuses for reducing the sizes of particles in fluid streams by flowing fluid streams containing particles to be reduced through opposed first and second vortex nozzles so that the fluid streams containing particles to be reduced collide with one another.

Ashbrook '913 who discloses an apparatus and first and second processes for treating fluids. Ashbrook '913's first process for treating fluids comprises flowing the fluids to be treated through opposed first and second vortex nozzles so that the fluids to be treated collide with one another. Ashbrook '913's second process for treating fluids comprises flowing the fluids to be treated through opposed first and second pairs of cascaded vortex nozzles so that the fluids to be treated collide with one another.

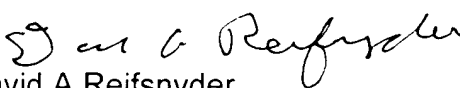
Ashbrook '068 who discloses an apparatus and first and second processes for treating liquids or slurries, and in particular cement slurries. Ashbrook '068's first process for treating cement slurries comprises flowing the cement slurries to be treated through opposed first and second vortex nozzles so that the cement slurries to be treated collide with one another. Ashbrook 068's second process for cement slurries comprises flowing the cement slurries to be treated through opposed first and second pairs of cascaded vortex nozzles so that the cement slurries to be treated collide with one another.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Reifsnyder whose telephone number is 1-703-308-0456. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda M Walker can be reached on 1-703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 1-703-872-9310 for regular communications and 1-703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1-703-308-3601.


David A Reifsnyder
Primary Examiner
Art Unit 1723

DAR
February 5, 2003